

Appl. No.: 10/707,506
Amdt. Dated: April 11, 2007
Reply to Office Action of 01/11/2007

REMARKS / ARGUMENTS

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substance of the Office Action in ***10-point bolded and italicized font***. Applicant's arguments immediately follow in regular font.

Specification

1. *The disclosure is objected to because of the following informalities: In paragraph 25, "developers" should be --developers'--.*

Appropriate correction is required.

Applicant thanks the Examiner for pointing out the inadvertent typographical error in the specification. Applicant has corrected this error with this communication. The specification is now believed to be in condition for allowance.

Claim Rejection – 35 USC § 102

3. *Claims 1, 2, 4, 9, 10 and 13-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Schoenewald et al. (US 6,508,867).*
4. *The patent to Schoenewald et al. discloses a vacuum appliance comprising a collection drum 8; a motor 3 operable to drum; a lid 16 removably attached to the collection drum to create a vacuum in the collection drum, the lid having a motor mount member (housing surrounding motor 3) with the motor attached thereto, the motor mount member having first and second generally opposing sides (i.e., upper and lower sides); and a generally U-shaped channel (see figure 3, there is an elastomeric U-shaped member located above suction opening 5) formed in the second side (bottom side) of the motor mount member extending around the periphery of the motor mount member to form a slight lip extending from the first side member of the motor mount, the U-shaped channel allowing slight movement of the motor mount member to absorb vibrations from the motor. The motor (upper part of 3) is attached to the first side (top side) of the motor mount member and wherein, inherently, the motor includes a shaft having the blower wheel attached thereto. With respect to claim 14, the U-shaped member is considered to provide a vacuum and water seal. With respect to claim 15, the patent to Schoenewald et al. is considered to disclose the structure that inherently anticipates the method of claims 15 and 16.*

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Applicant respectfully traverses this rejection of claims 1, 2, 4, 9, 10 and 13-16. Claims 13-14 have been cancelled herein, rendering their rejection moot. For a prior art reference to anticipate in terms of 35 U.S.C. § 102(a), each and every element as set forth in the claims must be found, either expressly or inherently described, in a single prior art reference. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997).

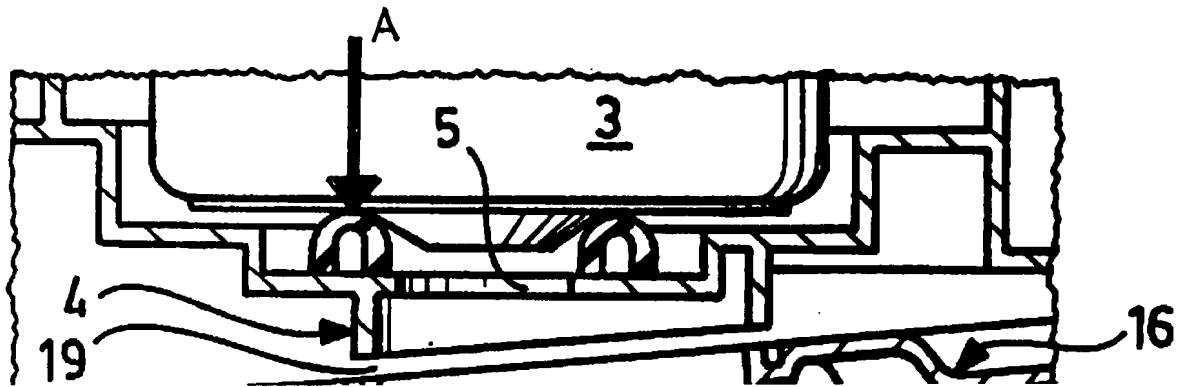
Schoenewald does not teach, show, or suggest every element of the presently claimed invention. Without acceding to the Examiner's characterization of either Schoenewald or Applicant's instant invention, Schoenewald teaches a vacuum cleaner (1) having a housing (2), a suction unit (3) arranged within the housing, a dirt collecting container (8) with a cover (16) and an insertable filter (18), and a separating device, wherein the closed dirt collecting container (8) is adapted to be inserted into the housing (2) and is partially filled with fluid (53), as shown in FIG. 1 and FIG. 4. According to Schoenewald, when so inserted, the dirt collecting container can be connected to a suction pipe in a sealed manner for the purpose of extracting fine dust particles from the vacuum flow path (see, Col. 8, l. 53 – Col. 9, l. 35). Contrary to the Examiner's assertions, no teaching or suggestion is made by Schoenewald of the use of a motor mount member having a U-shaped member formed into it so as to form a lip protruding from the bottom side of the mount member in the direction of the motor, wherein the lip substantially surrounds the motor. In fact, Schoenewald is silent with regard to means, assemblies, or methods for reducing motor vibration noise during operation, and has no mention or suggestion of specially formed motor mount assemblies.

In making his argument, the Examiner contends that, in viewing figures 2 and 3 of

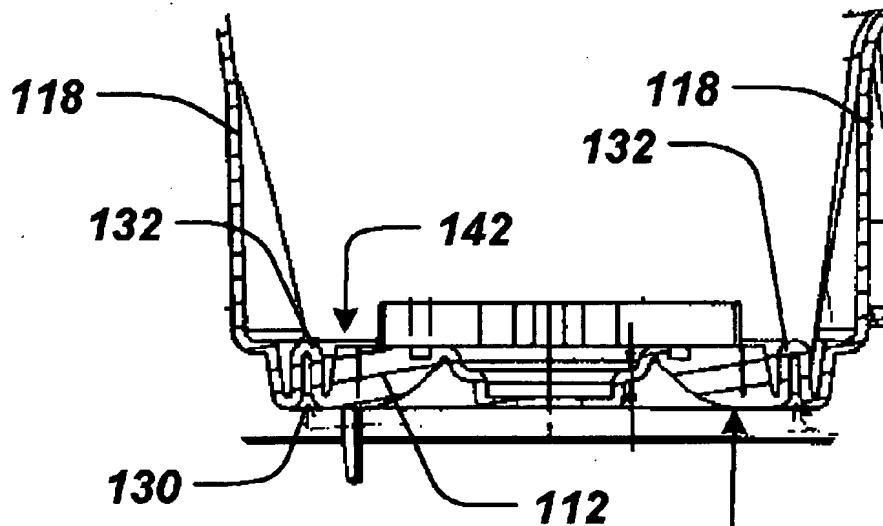
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Schoenewald, there is an “elastomeric U-shaped member located above the suction opening 5 formed in the bottom side of the “motor mount” to form a lip extending from the first member of the motor mount”. However, the Examiner has mischaracterized Schoenewald and its teachings. First, Schoenewald makes no specific statements, suggestions, references or assertions regarding a mounting assembly for a motor anywhere within the disclosure, let alone a mounting assembly having a U-shaped assembly formed in one side such that an upwardly protruding lip is formed. Thus, this feature of the Applicant’s invention is neither clearly nor inherently present within Schoenewald. Further, in make his rejection, the Examiner refers to an “elastomeric” U-shaped member, which is not the same as or equivalent to the Applicants present disclosure. Applicant’s invention does not describe or suggest the use of a separate, “elastomeric” (rubber or other resilient polymer or similar material) member. Rather, Applicant’s U-shaped member is *formed into the motor assembly itself*. Finally, in an effort to more clearly show the difference between the Examiner’s referenced “U-shaped channel”, a portion of FIG. 2 is reproduced in relevant part below for purpose of clarity, showing the structure (A) to which the Examiner refers in detail with an arrow. As is evident by the hashing marks on the designated portion, this “member” referred to by the Examiner is clearly a separate material from the rest of the connecting piece (4). Further, as can be seen in this figure, the channel the Examiner is referring to is clearly not formed in one side of the motor mount member to form a lip that protrudes from the opposite side, as recited in Applicants present invention.

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The present invention describes (without limitation) a vacuum appliance, and motor mount assembly for use in such appliances and similar motor-containing devices, and methods for the dampening vibrations of a motor, wherein the motor mount assembly (112) comprises first and second generally opposing top (142) and bottom sides (140), a generally U-shaped channel (130) formed in the second, bottom side (140) of the motor mount member (112) and extending around the periphery so as to form a lip (132) protruding upwardly from the first, upper side (142) of the motor mounting assembly towards the motor (110). The U-shaped channel (130) and the formed lip (132) are shown in detail in a section of FIG. 4 reproduced below.



As is clearly evident, and separate from the compared portion of Schoenewald (above) the U-shaped channel is integrally formed from the same material that forms the rest of the motor mount assembly (112), and in being so-formed generates a lip (132) that protrudes upwardly. This lip (132) extends around substantially the entire periphery of the mounting assembly (112) (see, FIG. 5), such that it surrounds the motor, forming a seal between the motor section and the portion of the appliance which may contain water, and allowing only slight radial (side-to-side) movement of the assembly, so as to simultaneously provide good motor location control, and minimizing vibrations (and the associated noise) during operations.

As such, because independent claims 1, 9, and 15 are each directed to apparatus and methods, respectively, which include a motor mount assembly having a U-shaped channel formed into the assembly and forming a lip protruding upwardly from the bottom of the assembly, and Applicant has found no disclosure or teaching in Schoenewald of such an integrally-formed U-shaped channel or lip portion that has the specific structure or functions recited by claims 1, 9, and 15, reconsideration of this rejection in light of these arguments is

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respectfully requested.

Similarly, because independent claims 1, 9, and 15, upon which claims 2, 4, 10, and 16 depend, have been distinguished above regarding Schoenewald, it is believed that these claims are deemed allowable by depending on allowable independent claims.

Claim Rejections – 35 USC § 103

7. *Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenewald et al. (US 6,508,867) in view of the admitted Prior Art.*
8. *Schoenewald et al. discloses the claimed invention except that the collection drum used does not have a drain opening. The admitted Prior Art (Figure 1) shows a collection drum 12 that includes a drain opening 18 extending therethrough. Therefore, because these two collection drums were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the collection drum of Schoenewald et al. for the collection drum of the admitted Prior Art.*

Applicants respectfully traverse the rejection of claim 8. As detailed above, Applicant contends that Schoenewald does not disclose or teach the structures recited in claim 8. According to MPEP § 706.02(j), for a claim to be obvious, there must be a) a suggestion or motivation to combine reference teachings, b) a reasonable expectation of success, and c) the references must teach all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner has not identified any teaching or suggestion with Schoenewald for combining this reference with the prior art referenced within Applicant's application, especially in the manner suggested by the Examiner.

More specifically, independent claim 1, upon which claim 8 depends, has been distinguished above regarding Schoenewald, and it is believed that this claim is deemed allowable by depending on an allowable independent claim.

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None of the Examiner's cited art references suggest combining the teachings. Furthermore, none of these references teach all of the claim limitations for pending claim 8, which is dependent upon independent claim 1, detailed previously. Accordingly, Applicant respectfully requests that the rejection of claim 8 under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

9. *Claims 3, 5-7, 11, 12 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*
10. *The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 5-7, 11, 12 and 18-20, all of the prior art has the motor and fan assembly as one unit and mounted as a unit on top of some mounting assembly. The claims call for the motor to be mounted to the motor mount member and the blower to be located on the other side of the mount member.*

Applicants thank the Examiner for his consideration of claims 3, 5-7, 11, 12 and 17-20. At the present time, and in light of the above arguments concerning the patentability of independent claims 1, 9, and 15, Applicant has chosen not to present these claims in independent form. Reconsideration of this objection is requested.

11. *The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Frits et al., Fellhauer and Sjoberg show the current state of the art in canister vacuums.*

Applicant does not accede to the Examiner's characterizations of the above-cited references. Further, since the Examiner has not used these references in forming a substantive rejection of the currently pending claims, Applicant reserves the right to make comment at such later time as necessary.

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CONCLUSION

Of the 20 original claims pending in this application, claims 1, 9 and 15 have been amended. Claims 13-14 have been cancelled. With this response, claims 1-12 and 15-20 remain pending in this application. Applicant respectfully submits that each claim presented herein is patentable. A timely notice of allowance is respectfully requested.

The specification has been amended herein, in accordance with the Examiner's request, to correct a typographical error. Applicant contends that this amendment does not constitute the addition of new matter.

Claims 1, 9 and 15 have been amended herein, not in response to the Examiner's comments and objections, but in an effort to more clearly describe the instantly claimed invention. Support for the amendments to claims 1, 9 and 15 can be found in the application as originally filed in paragraphs [0021] – [0023], for example, as well as in FIGs. 3-5. Applicant contends that these amendments to the claims do not constitute the addition of new matter.

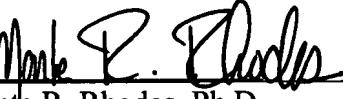
Applicant does not believe that any fees are due at this time in conjunction with this response. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this document, the Commissioner is hereby authorized to deduct the requisite fees necessary to make this and related papers, if any, timely and effective from Locke Liddell & Sapp LLP Deposit Account No. 12-1322, referencing matter number 021840-358US/MRR.

Applicant thanks the Examiner for his consideration and effort on this file, and submits that this application is now in condition for allowance. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned directly.

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Respectfully submitted,

LOCKE LIDDELL & SAPP LLP

By: 
Monte R. Rhodes, Ph.D.
Reg. No.: 54,396
AGENT FOR ASSIGNEE
EMERSON ELECTRIC CO., INC.

LOCKE LIDDELL & SAPP LLP
3400 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002-3095
Tel: (713) 226-1326
Fax: (713) 223-3717

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